

AMENDED IN ASSEMBLY MARCH 21, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 674

Introduced by Assembly Members Low and Holden
(Coauthors: Assembly Members Bonta and Gray)

February 15, 2017

~~An act relating to elections.~~ *An act to amend Section 7.1 of the Civil Code, to amend Sections 37720, 45203, 79020, 79030, and 88203 of the Education Code, to amend Section 1100 of the Elections Code, to amend Sections 6700, 19853, and 19853.1 of the Government Code, and to amend Section 4692 of the Welfare and Institutions Code, relating to elections.*

LEGISLATIVE COUNSEL'S DIGEST

AB 674, as amended, Low. Election day holiday.

Existing law requires congressional and state elective offices to be elected at an election held on the first Tuesday after the first Monday in November of each even-numbered year. Existing law requires a presidential general election to be held on the first Tuesday after the first Monday in November in any year that is evenly divisible by the number 4.

~~This bill would state the intent of the Legislature to enact legislation that would establish an election day holiday on the first Tuesday after the first Monday in November of each year in which a statewide or national election is held.~~

Existing law designates specific days as holidays in this state. Existing law designates holidays on which community colleges and public schools are required to close. Existing law entitles state employees, with

specified exceptions, to be given time off with pay for specified holidays. Existing law designates optional bank holidays.

This bill would add the day on which a statewide general election is held, which is the first Tuesday after the first Monday in November of any even-numbered year, to these lists of holidays. The bill would require community colleges and public schools to close on any day on which a statewide general election is held. The bill would require that state employees, with specified exceptions, be given time off with pay for days on which a statewide general election is held.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 7.1 of the Civil Code is amended to read:*
- 2 7.1. Optional bank holidays within the meaning of Section 9
- 3 ~~are:~~ *are all of the following:*
- 4 (a) Any closing of a bank because of an extraordinary situation,
- 5 as that term is defined in the Bank Extraordinary Situation Closing
- 6 Act (Chapter ~~20~~ 4.5 (commencing with Section ~~3600~~ 1090) of
- 7 Division ~~1~~ 1.1 of the Financial Code).
- 8 (b) Every Saturday.
- 9 (c) Every Sunday.
- 10 (d) January ~~1st~~ 1.
- 11 (e) The third Monday in January, known as “Dr. Martin Luther
- 12 King, Jr. Day.”
- 13 (f) February 12, known as “Lincoln Day.”
- 14 (g) The third Monday in February.
- 15 (h) The last Monday in May.
- 16 (i) July ~~4th~~ 4.

- 1 (j) The first Monday in September.
2 (k) September 9th, known as "Admission Day."
3 (l) The second Monday in October, known as "Columbus Day."
4 (m) *The first Tuesday after the first Monday in November in*
5 *any even-numbered year.*
6 ~~(n)~~
7 (n) November ~~11th~~, 11, known as "~~Veteran's~~ "Veterans Day."
8 ~~(n)~~
9 (o) December ~~25th~~. 25.
10 ~~(o)~~
11 (p) Good Friday from 12 ~~noon~~ p.m. until closing.
12 ~~(p)~~
13 (q) The Thursday in November appointed as "Thanksgiving
14 Day."
15 ~~(q)~~
16 (r) Any Monday following any Sunday on which January 1st,
17 February 12th, July 4th, September 9th, November 11th, or
18 December 25th falls.
19 ~~(r)~~
20 (s) Any Friday preceding any Saturday on which July 4th,
21 September 9th, or December 25th falls.
22 SEC. 2. *Section 37220 of the Education Code is amended to*
23 *read:*
24 37220. (a) Except as otherwise provided, the public schools
25 shall close on *all of* the following holidays:
26 (1) January 1.
27 (2) The third Monday in January or the Monday or Friday in
28 the week in which January 15 occurs, known as "Dr. Martin Luther
29 King, Jr. Day." On the Friday preceding the day on which schools
30 are closed, schools shall include exercises commemorating and
31 directing attention to the history of the civil rights movement in
32 the United States and particularly the role therein of Dr. Martin
33 Luther King, Jr.
34 (3) The Monday or Friday of the week in which February 12
35 occurs, known as "Lincoln Day." On the day that school is in
36 session prior to the day on which schools are closed for that
37 purpose, all public schools and educational institutions throughout
38 the state shall hold exercises in memory of Abraham Lincoln.
39 (4) The third Monday in February, known as "Washington Day."
40 On the Friday preceding, all public schools and educational

1 institutions throughout the state shall hold exercises in memory of
2 George Washington.

3 (5) The last Monday in May, known as “Memorial Day.”

4 (6) July 4.

5 (7) The first Monday in September, known as “Labor Day.”

6 (8) *The first Tuesday after the first Monday in November in any*
7 *even-numbered year.*

8 ~~(8)~~

9 (9) November 11, known as “Veterans Day.”

10 ~~(9)~~

11 (10) That Thursday in November proclaimed by the President
12 as “Thanksgiving Day.”

13 ~~(10)~~

14 (11) December 25.

15 ~~(11)~~

16 (12) All days appointed by the Governor for a public fast,
17 thanksgiving, or holiday, and all special or limited holidays on
18 which the Governor provides that the schools shall close.

19 ~~(12)~~

20 (13) All days appointed by the President as a public fast,
21 thanksgiving, or holiday, unless it is a special or limited holiday.

22 ~~(13)~~

23 (14) Any other day designated as a holiday by the governing
24 board of the school district.

25 (b) When any of the holidays on which the schools would be
26 closed falls on Sunday, the public schools shall close on the
27 Monday following.

28 (c) When any of the holidays on which the schools would be
29 closed falls on Saturday, the public schools shall close on the
30 preceding Friday, and that Friday shall be declared a state holiday.

31 (d) If any holiday on which the public schools are required to
32 close pursuant to subdivision (a) occurs under federal law on a
33 date different from the date specified in subdivision (a), the
34 governing board of any school district may close the public schools
35 of the district on the date recognized by federal law and maintain
36 classes on the date specified in subdivision (a).

37 (e) Except for Veterans Day, as designated in paragraph~~(8)~~ (9)
38 of subdivision (a), the governing board of a school district, by
39 adoption of a resolution, may revise the date upon which the

1 schools of the district close in observance of any of the holidays
2 identified in subdivision (a).

3 (f) The governing board of a school district may not request a
4 waiver of paragraph (8) (9) of subdivision (a) from the state board.

5 (g) This section does not prohibit a school district from
6 authorizing its facilities or grounds to be used in accordance with
7 Section 38131 on those days on which the public schools are
8 closed.

9 *SEC. 3. Section 45203 of the Education Code is amended to*
10 *read:*

11 45203. (a) All probationary or permanent employees that are
12 a part of the classified service shall be entitled to *all of* the
13 following paid holidays provided they are in a paid status during
14 any portion of the working day immediately preceding or
15 succeeding the holiday: ~~January 1, February 12 known as "Lincoln~~
16 ~~Day," the third Monday in February known as "Washington Day,"~~
17 ~~the last Monday in May known as "Memorial Day," July 4, the~~
18 ~~first Monday in September known as "Labor Day," November 11~~
19 ~~known as "Veterans Day," that Thursday in November proclaimed~~
20 ~~by the President as "Thanksgiving Day," December 25, every day~~
21 ~~appointed by the President, or the Governor of this state, as~~
22 ~~provided for in subdivisions (b) and (c) of Section 37220 for a~~
23 ~~public fast, thanksgiving or holiday, or any day declared a holiday~~
24 ~~under Section 1318 or 37222 for classified or certificated~~
25 ~~employees. School recesses during the Christmas, Easter, and~~
26 ~~mid-February periods shall not be considered holidays for classified~~
27 ~~employees who are normally required to work during that period.~~
28 ~~However, this shall not be construed as affecting vacation rights~~
29 ~~specified in this section.~~

30 (1) *January 1.*

31 (2) *February 12, known as "Lincoln Day."*

32 (3) *The third Monday in February, known as "Washington*
33 *Day."*

34 (4) *The last Monday in May, known as "Memorial Day."*

35 (5) *July 4.*

36 (6) *The first Monday in September, known as "Labor Day."*

37 (7) *The first Tuesday after the first Monday in November in any*
38 *even-numbered year.*

39 (8) *November 11, known as "Veterans Day."*

1 (9) *That Thursday in November proclaimed by the President as*
2 *“Thanksgiving Day.”*

3 (10) *December 25.*

4 (11) *Every day appointed by the President, or the Governor of*
5 *this state, as provided for in paragraphs (12) and (13) of*
6 *subdivision (a) of Section 37220 for a public fast, thanksgiving or*
7 *holiday, or any day declared a holiday under Section 1318 or*
8 *37222 for classified or certificated employees.*

9 (b) *School recesses during the Christmas, Easter, and*
10 *mid-February periods shall not be considered holidays for*
11 *classified employees who are normally required to work during*
12 *that period. However, this shall not be construed as affecting*
13 *vacation rights specified in this section.*

14 ~~Regular~~

15 (c) *Regular* employees of the district who are not normally
16 assigned to duty during the school holidays of December 25 and
17 January 1 shall be paid for those two holidays provided that they
18 were in a paid status during any portion of the working day of their
19 normal assignment immediately preceding or succeeding the
20 holiday period.

21 ~~When~~

22 (d) *When* a holiday listed in this section falls on a Sunday, the
23 following Monday shall be deemed to be the holiday in lieu of the
24 day observed. When a holiday listed in this section falls on a
25 Saturday, the preceding Friday shall be deemed to be the holiday
26 in lieu of the day observed. When a classified employee is required
27 to work on any of these holidays, he or she shall be paid
28 compensation, or given compensating time off, for such work, in
29 addition to the regular pay received for the holiday, at the rate of
30 time and one-half the employee's regular rate of pay.

31 ~~The~~

32 (e) *The* provisions of Article 3 (commencing with Section
33 37220) of Chapter 2 of Part 22 shall not be construed to in any
34 way limit the provisions of this section, nor shall anything in this
35 section be construed to prohibit the governing board from adopting
36 separate work schedules for the certificated and the classified
37 services, or from providing holiday pay for employees who have
38 not been in paid status on the days specified herein.
39 Notwithstanding the adoption of separate work schedules for the
40 certificated and the classified services, on any schoolday during

which pupils would otherwise have been in attendance but are not and for which certificated personnel receive regular pay, classified personnel shall also receive regular pay whether or not they are required to report for duty that day.

~~In~~

(f) In addition to the other paid holidays specified in this section, the classified service may be entitled to a paid holiday on March 31 known as “Cesar Chavez Day,” and a paid holiday on the fourth Friday in September known as “Native American Day,” provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday, if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, agrees to the paid holiday.

~~This~~

(g) ~~This section shall apply~~ *applies* to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240).

SEC. 4. Section 79020 of the Education Code is amended to read:

79020. Except as otherwise ~~provided~~ *provided*, the community colleges shall continue in session or close on specified holidays as follows:

(a) *The community colleges shall close on all of the following holidays:*

(1) *January 1.*

~~(a)~~

(2) ~~The community colleges shall close on January 1st, the third Monday in January, commencing in the 1989–90 fiscal year, known as “Dr. Martin Luther King, Jr. Day,” February 12th known as “Lincoln Day,” the third Monday in February known as “Washington Day,” the last Monday in May known as “Memorial Day,” July 4th, the first Monday in September known as “Labor Day,” November 11th known as “Veterans Day,” that Thursday in November proclaimed by the President as “Thanksgiving Day,” and December 25th. Day.”~~

(3) *February 12, known as “Lincoln Day.”*

(4) *The third Monday in February, known as “Washington Day.”*

1 (5) *The last Monday in May, known as “Memorial Day.”*

2 (6) *July 4.*

3 (7) *The first Monday in September, known as “Labor Day.”*

4 (8) *The first Tuesday after the first Monday in November in any*
5 *even-numbered year.*

6 (9) *November 11, known as “Veterans Day.”*

7 (10) *That Thursday in November proclaimed by the President*
8 *as “Thanksgiving Day.”*

9 (11) *December 25.*

10 (b) Any contractual provision between any community college
11 district and its employees in effect on the effective date of the act
12 that adds this subdivision shall prevail over any conflict regarding
13 Dr. Martin Luther King, Jr. Day until the termination date of the
14 contract or upon termination by mutual agreement of the parties,
15 whichever occurs first.

16 (c) The Governor in appointing any other day for a public fast,
17 thanksgiving, or holiday may provide whether the community
18 colleges shall close on the day. If the Governor does not provide
19 whether the community colleges shall close, they shall continue
20 in session on all special or limited holidays appointed by the
21 Governor, but shall close on all other days appointed by the
22 Governor for a public fast, thanksgiving, or holiday.

23 (d) The community colleges shall close on every day appointed
24 by the President as a public fast, thanksgiving, or holiday, unless
25 it is a special or limited holiday.

26 (e) The community colleges shall continue in session on all
27 legal holidays other than those designated by or pursuant to this
28 section, and shall hold proper exercises commemorating the day.

29 (f) When any of the holidays on which the schools would be
30 closed fall on Sunday, the community colleges shall close on the
31 Monday following, except that (1) if Lincoln Day falls on a
32 Sunday, the community colleges may observe this holiday on the
33 preceding or following Friday, the following Monday, or the
34 following Tuesday, and maintain classes on the date specified in
35 subdivision (a) where applicable, or (2) if Lincoln Day falls on a
36 Monday, the community colleges may observe this holiday on the
37 preceding or following Friday, that Monday, or the following
38 Tuesday, and maintain classes on the date specified in subdivision
39 (a) where applicable.

1 (g) When any of the holidays on which the schools would be
2 closed, except Lincoln Day, fall on Saturday, the community
3 colleges shall close on the preceding Friday, and that Friday shall
4 be declared a state holiday.

5 (h) If any holiday on which the community colleges are required
6 to close pursuant to subdivision (a) occurs under federal law on a
7 date different than the date specified in subdivision (a), the
8 governing board of any community college district may close the
9 community colleges of the district on the date recognized by federal
10 law and maintain classes on the date specified in subdivision (a).

11 (i) When Veterans Day would fall on Tuesday, the governing
12 board of a community college district may close the colleges on
13 the preceding Monday, and maintain classes on the date specified
14 in subdivision (a). When Veterans Day would fall on Wednesday,
15 the governing board of a community college district may close the
16 colleges on either the preceding Monday or the following Friday,
17 and maintain classes on the date specified in subdivision (a). When
18 Veterans Day would fall on Thursday, the governing board of a
19 community college district may close the colleges on the following
20 Friday, and maintain classes on the date specified in subdivision
21 (a).

22 (j) When Lincoln Day would fall on Tuesday, the governing
23 board of a community college district may close the colleges on
24 the preceding Monday, the preceding Friday, or the following
25 Friday, and maintain classes on the date specified in subdivision
26 (a) where appropriate. When Lincoln Day would fall on
27 Wednesday, the governing board of a community college district
28 may close the colleges on the preceding Monday, the preceding
29 Friday, or the following Friday, and maintain classes on the date
30 specified in subdivision (a). When Lincoln Day would fall on
31 Thursday, the governing board of a community college district
32 may close the colleges on the preceding Friday or the following
33 Friday, and maintain classes on the date specified in subdivision
34 (a). When Lincoln Day falls on Saturday, the governing board of
35 a community college district may close the colleges on the
36 preceding Friday or the following Friday, and maintain classes on
37 the date specified in subdivision (a) where appropriate.

38 (k) In addition to the holidays specified in subdivision (a), a
39 community college may close on March 31 known as “Cesar
40 Chavez Day” if the governing board, pursuant to a memorandum

1 of understanding reached pursuant to Chapter 10.7 (commencing
2 with Section 3540) of Division 4 of Title 1 of the Government
3 Code, agrees to close the community college for that purpose.

4 (l) In addition to the holidays specified in subdivision (a), a
5 community college may close on the fourth Friday in September
6 known as “Native American Day” if the governing board, pursuant
7 to a memorandum of understanding reached pursuant to Chapter
8 10.7 (commencing with Section 3540) of Division 4 of Title 1 of
9 the Government Code, agrees to close the community college for
10 that purpose.

11 (m) ~~Nothing in this~~ This section is to *shall not* be interpreted as
12 authorizing a community college district governing board to
13 maintain community colleges in its district for a lesser number of
14 days during the college year than the minimum established by law.

15 *SEC. 5. Section 79030 of the Education Code is amended to*
16 *read:*

17 79030. (a) Whenever climatic conditions of a community
18 college district are such as to render it necessary that the colleges
19 be closed as early in the year as possible or opened as late in the
20 year as possible, the governing board of the community college
21 district may maintain classes on any days other than the 25th day
22 of December, the first day of January, the fourth day of July, *the*
23 *first Tuesday after the first Monday in November in any*
24 *even-numbered year*, and any day appointed by the President or
25 the Governor for a public thanksgiving.

26 ~~When~~

27 (b) *When* classes are maintained on holidays pursuant to this
28 section, proper exercises shall be held commemorating the day.

29 *SEC. 6. Section 88203 of the Education Code is amended to*
30 *read:*

31 88203. (a) All probationary or permanent employees who are
32 part of the classified service shall be entitled to the following paid
33 holidays if they are in a paid status during any portion of the
34 working day immediately preceding or succeeding the holiday:
35 ~~January 1, February 12 known as “Lincoln Day,” the third Monday~~
36 ~~in February known as “Washington Day,” the last Monday in May~~
37 ~~known as “Memorial Day,” July 4, the first Monday in September~~
38 ~~known as “Labor Day,” November 11 known as “Veterans Day,”~~
39 ~~that Thursday in November proclaimed by the President as~~
40 ~~“Thanksgiving Day,” December 25, every probationary or~~

1 permanent employees who are part of the classified service shall
2 be entitled to the following paid holidays if they are in a paid status
3 during any portion of the working day appointed

4 (1) January 1.

5 (2) February 12, known as "Lincoln Day."

6 (3) The third Monday in February, known as "Washington
7 Day."

8 (4) The last Monday in May, known as "Memorial Day."

9 (5) July 4.

10 (6) The first Monday in September, known as "Labor Day."

11 (7) The first Tuesday after the first Monday in November in any
12 even-numbered year.

13 (8) November 11, known as "Veterans Day."

14 (9) That Thursday in November proclaimed by the President as
15 "Thanksgiving Day."

16 (10) December 25.

17 (11) Every appointed by the President, or the Governor of this
18 state, as provided for in subdivisions (c) and (d) of Section 79020
19 for a public fast, thanksgiving or holiday, or any day declared a
20 holiday under Section 1318 for classified or academic employees.

21 ~~College~~

22 (b) ~~College~~ recesses during the Christmas and Easter periods
23 shall not be considered holidays for classified employees who are
24 normally required to work during that period; provided, however,
25 that this shall not be construed as affecting vacation rights specified
26 in this section.

27 ~~Regular~~

28 (c) ~~Regular~~ employees of the district who are not normally
29 assigned to duty during the college holidays of December 25 and
30 January 1 shall be paid for those two holidays if they were in a
31 paid status during any portion of the working day of their normal
32 assignment immediately preceding or succeeding the holiday
33 period.

34 ~~When~~

35 (d) ~~When~~ a holiday herein listed falls on a Sunday, the following
36 Monday shall be deemed to be the holiday in lieu of the day
37 observed. When a holiday herein listed falls on a Saturday, the
38 preceding Friday shall be deemed to be the holiday in lieu of the
39 day observed. When a classified employee is required to work on
40 any of ~~said~~ those holidays, he or she shall be paid compensation,

1 or given compensating time off, for ~~such~~ *that* work, in addition to
2 the regular pay received for the holiday, at the rate of time and
3 one-half his or her regular rate of pay.

4 ~~Article~~

5 (e) *Article 3* (commencing with Section 79020) of Chapter 8 of
6 Part 48 ~~of this division~~ shall not be construed to in any way limit
7 this section, nor shall anything in this section be construed to
8 prohibit the governing board from adopting separate work
9 schedules for the academic and the classified services, or from
10 providing holiday pay for employees who have not been in paid
11 status on the days specified herein. Notwithstanding the adoption
12 of separate work schedules for the academic and the classified
13 services, on any schoolday during which students would otherwise
14 have been in attendance, but are not and for which faculty receive
15 regular pay, classified personnel shall also receive regular pay
16 whether or not they are required to report for duty that day.

17 ~~In~~

18 (f) *In* addition to the other paid holidays specified in this section,
19 the classified service may be entitled to a paid holiday on March
20 31 known as “Cesar Chavez Day” and a paid holiday on the fourth
21 Friday in September known as “Native American Day,” if they
22 are in a paid status during any portion of the working day
23 immediately preceding or succeeding the holiday, if the governing
24 board, pursuant to a memorandum of understanding reached
25 pursuant to Chapter 10.7 (commencing with Section 3540) of
26 Division 4 of Title 1 of the Government Code, agrees to the paid
27 holiday.

28 ~~This~~

29 (g) *This section shall apply* ~~applies~~ to districts that have adopted
30 the merit system in the same manner and effect as if it were a part
31 of Article 3 (commencing with Section 88060).

32 *SEC. 7. Section 1100 of the Elections Code is amended to read:*

33 1100. ~~No~~ *An* election shall not be held on any day other than
34 a ~~Tuesday, nor Tuesday~~ and shall ~~any election~~ not be held on the
35 day before, the day of, or the day after, a state ~~holiday.~~ *holiday,*
36 *except for a statewide general election holiday as described in*
37 *paragraph (13) of subdivision (a) of Section 6700 of the*
38 *Government Code.*

39 *SEC. 8. Section 6700 of the Government Code is amended to*
40 *read:*

6700. (a) The holidays in this state ~~are:~~ *all of the following:*

- (1) Every Sunday.
- (2) January ~~1st~~: 1.
- (3) The third Monday in January, known as “Dr. Martin Luther King, Jr. Day.”
- (4) February ~~12th~~, 12, known as “Lincoln Day.”
- (5) The third Monday in February.
- (6) March ~~31st~~, 31, known as “Cesar Chavez Day.”
- (7) The last Monday in May.
- (8) July ~~4th~~: 4.
- (9) The first Monday in September.
- (10) September ~~9th~~, 9, known as “Admission Day.”
- (11) The fourth Friday in September, known as “Native American Day.”
- (12) The second Monday in October, known as “Columbus Day.”
- (13) *The first Tuesday after the first Monday in November* ~~11th~~, known as “Veterans Day,” *in any even-numbered year.*
- (14) November 11, known as “Veterans Day.”
- ~~(14)~~
- (15) December ~~25th~~: 25.
- ~~(15)~~
- (16) Good Friday from 12 ~~noon~~ until *p.m. to 3 p.m.*
- ~~(16)~~
- (17) (A) Every day appointed by the President or Governor for a public fast, thanksgiving, or holiday.
- (B) Except for the Thursday in November appointed as Thanksgiving Day, this paragraph and paragraphs (3) and (6) shall not apply to a city, county, or district unless made applicable by charter, or by ordinance or resolution of the governing body thereof.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1, the memorandum of understanding shall be controlling without further legislative action, except that if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

1 *SEC. 9. Section 19853 of the Government Code is amended to*
2 *read:*

3 19853. (a) All state employees shall be entitled to the following
4 holidays: ~~January 1, the third Monday in January, the third Monday~~
5 ~~in February, March 31, the last Monday in May, July 4, the first~~
6 ~~Monday in September, November 11, Thanksgiving Day, the day~~
7 ~~after Thanksgiving, December 25, the~~

8 (1) *January 1.*

9 (2) *The third Monday in January.*

10 (3) *The third Monday in February.*

11 (4) *March 31.*

12 (5) *The last Monday in May.*

13 (6) *July 4.*

14 (7) *The first Monday in September.*

15 (8) *The first Tuesday after the first Monday in November in any*
16 *even-numbered year.*

17 (9) *November 11.*

18 (10) *Thanksgiving Day.*

19 (11) *The day after Thanksgiving.*

20 (12) *December 25.*

21 (13) *The day chosen by an employee pursuant to Section 19854,*
22 ~~and every day 19854.~~

23 (14) *Every day appointed by the Governor of this state for a*
24 *public fast, thanksgiving, or holiday.*

25 (b) If a day listed in ~~this~~ subdivision (a) falls on a Sunday, the
26 following Monday shall be deemed to be the holiday in lieu of the
27 day observed. If November 11 falls upon a Saturday, the preceding
28 Friday shall be deemed to be the holiday in lieu of the day
29 observed.

30 (c) Any state employee who may be required to work on any
31 of the holidays included in this section, and who does work on any
32 of these holidays, shall be entitled to receive straight-time pay and
33 eight hours of holiday credit.

34 (d) For the purpose of computing the number of hours worked,
35 time when an employee is excused from work because of holidays,
36 sick leave, vacation, annual leave, compensating time off, or any
37 other leave shall not be considered as time worked by the employee
38 for the purpose of computing cash compensation for overtime or
39 compensating time off for overtime.

1 (e) Any state employee, as defined in subdivision (c) of Section
2 3513, may elect to receive eight hours of holiday credit for the
3 fourth Friday in September, known as “Native American Day,” in
4 lieu of receiving eight hours of personal holiday credit in
5 accordance with Section 19854.

6 (f) Persons employed on less than a full-time basis shall receive
7 holidays in accordance with the Department of Human Resources
8 rules.

9 (g) If subdivision (a), (c), or (d) is in conflict with the provisions
10 of a memorandum of understanding executed or amended pursuant
11 to Section 3517.5 on or after February 1, 2009, or the date that the
12 act adding this section takes effect, whichever is later, the
13 memorandum of understanding shall be controlling without further
14 legislative action, except that if those provisions of the
15 memorandum of understanding require the expenditure of funds,
16 the provisions shall not become effective unless approved by the
17 Legislature in the annual Budget Act.

18 ~~(h) This section shall become operative on February 1, 2009,~~
19 ~~or the date that the act adding this section takes effect, whichever~~
20 ~~is later.~~

21 *SEC. 10. Section 19853.1 of the Government Code is amended*
22 *to read:*

23 19853.1. (a) Notwithstanding Section 19853, this section shall
24 apply to state employees in State Bargaining Unit 5.

25 (b) Except as provided in subdivision (c), all employees shall
26 be entitled to *all* of the following holidays: ~~January 1, the third~~
27 ~~Monday in January, the third Monday in February, March 31, the~~
28 ~~last Monday in May, July 4, the first Monday in September,~~
29 ~~November 11, the day after Thanksgiving, December 25, and every~~
30 ~~day appointed by the Governor of this state for a public fast,~~
31 ~~thanksgiving, or holiday.~~

32 (1) *January 1.*

33 (2) *The third Monday in January.*

34 (3) *The third Monday in February.*

35 (4) *March 31.*

36 (5) *The last Monday in May.*

37 (6) *July 4.*

38 (7) *The first Monday in September.*

39 (8) *The first Tuesday after the first Monday in November in any*
40 *even-numbered year.*

1 (9) *November 11.*

2 (10) *The day after Thanksgiving.*

3 (11) *December 25.*

4 (12) *Every day appointed by the Governor of this state for a*
5 *public fast, thanksgiving, or holiday.*

6 If a day listed in this subdivision falls on a Sunday, the following
7 Monday shall be deemed to be the holiday in lieu of the day
8 observed. If November 11 falls upon a Saturday, the preceding
9 Friday shall be deemed to be the holiday in lieu of the day
10 observed. Any employee who may be required to work on any of
11 the holidays included in this section and who does work on any
12 of these holidays shall be entitled to be paid compensation or given
13 compensating time off for that work in accordance with his or her
14 classification's assigned workweek group.

15 (c) If the provisions of subdivision (b) are in conflict with the
16 provisions of a memorandum of understanding reached pursuant
17 to Section 3517.5, the memorandum of understanding shall be
18 controlling without further legislative action, except that if the
19 provisions of a memorandum of understanding require the
20 expenditure of funds, the provisions shall not become effective
21 unless approved by the Legislature in the annual Budget Act.

22 (d) (1) Any employee who either is excluded from the definition
23 of state employee in subdivision (c) of Section 3513, or is a
24 nonelected officer or employee of the executive branch of
25 government who is not a member of the civil service, is entitled
26 to *all of the following holidays, with pay, in addition to any official*
27 *state holiday appointed by the Governor:*

28 (A) *January 1.*

29 (B) *The third Monday in January.*

30 (C) *The third Monday in February.*

31 (D) *March 31.*

32 (E) *The last Monday in May.*

33 (F) *July 4.*

34 (G) *The first Monday in September.*

35 ~~(1) January 1, the third Monday in January, the third Monday~~
36 ~~in February, March 31, the last Monday in May, July 4, the~~

37 (H) ~~The first Tuesday after the first Monday in September;~~
38 ~~November 11, Thanksgiving Day, the day after Thanksgiving, and~~
39 ~~December 25. in any even-numbered year.~~

40 (I) *November 11.*

1 (J) *Thanksgiving Day.*

2 (K) *The day after Thanksgiving.*

3 (L) *December 25.*

4 (2) When November 11 falls on a Saturday, employees shall be
5 entitled to the preceding Friday as a holiday with pay.

6 (3) When a holiday, other than a personal holiday, falls on a
7 Saturday, an employee shall, regardless of whether he or she works
8 on the holiday, accrue only an additional eight hours of personal
9 holiday credit per fiscal year for the holiday. The holiday credit
10 shall be accrued on the actual date of the holiday and shall be used
11 within the same fiscal year.

12 (4) When a holiday other than a personal holiday falls on
13 Sunday, employees shall be entitled to the following Monday as
14 a holiday with pay.

15 (5) Employees who are required to work on a holiday shall be
16 entitled to pay or compensating time off for this work in accordance
17 with their classification's assigned workweek group.

18 (6) Persons employed on less than a full-time basis shall receive
19 holidays in accordance with the Department of Human Resources
20 rules.

21 (e) Any employee, as defined in subdivision (c) of Section 3513,
22 may elect to use eight hours of vacation, annual leave, or
23 compensating time off consistent with departmental operational
24 needs and collective bargaining agreements for the fourth Friday
25 in September, known as "Native American Day."

26 (f) This section shall become effective with regard to the March
27 31 holiday only when the Department of Human Resources notifies
28 the Legislature that the language contained in this section has been
29 agreed to by all exclusive representatives, and the Department of
30 Human Resources authorizes this holiday to be applied to
31 employees designated as excluded from the Ralph C. Dills Act
32 (Chapter 10.3 (commencing with Section 3512), Division 4, Title
33 1), and the necessary statutes are amended to reflect this change.

34 SEC. 11. *Section 4692 of the Welfare and Institutions Code is*
35 *amended to read:*

36 4692. (a) Effective August 1, 2009, subject to subdivisions
37 (c) and (e), regional centers shall not compensate a work activity
38 program, activity center, adult development center, behavior
39 management program, social recreation program, adaptive skills
40 trainer, infant development program, program support group (day

1 service), socialization training program, client/parent support
2 behavior intervention training program, community integration
3 training program, community activities support service, or creative
4 arts program, as defined in Title 17 of the California Code of
5 Regulations, for providing any service to a consumer on any of
6 the following holidays:

- 7 (1) January 1.
- 8 (2) The third Monday in January.
- 9 (3) The third Monday in February.
- 10 (4) March 31.
- 11 (5) The last Monday in May.
- 12 (6) July 4.
- 13 (7) The first Monday in September.
- 14 (8) *The first Tuesday after the first Monday in November*~~11~~.
- 15 *in any even-numbered year.*
- 16 (9) *November 11.*
- 17 ~~(9)~~
- 18 (10) Thanksgiving Day.
- 19 ~~(10)~~
- 20 (11) December 25.
- 21 ~~(11)~~
- 22 (12) The four business days between December 25 and January

23 1.
24 (b) Effective August 1, 2009, subject to subdivisions (c) and
25 (e), regional centers shall not compensate a transportation
26 vendor/family member, transportation company,
27 transportation/additional component vendor, transportation broker,
28 transportation assistant/vendor, transportation vendor/auto driver,
29 or transportation vendor/public or rental car agency or taxi, in
30 accordance with Title 17 of the California Code of Regulations,
31 for transporting any consumer to receive services from any of the
32 vendors specified in subdivision (a) for any of the holidays set
33 forth in paragraphs (1) to~~(11)~~; (12), inclusive, of subdivision (a).

34 (c) If a holiday listed in this section falls on a Saturday or a
35 Sunday, the following Monday shall be deemed to be the holiday
36 in lieu of the day observed.

37 (d) Contracts between the vendors described in this section and
38 regional centers shall reflect the holiday closures set forth in this
39 section and shall be renegotiated accordingly, as necessary.

(e) The department may adjust the holidays set forth in subdivision (a) through a program directive. This directive shall be provided to the regional centers and posted on the department's Internet Web site at least 60 days ~~prior to~~ before the effective date of the change in holiday.

SEC. 12. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SECTION 1. It is the intent of the Legislature to enact legislation that would establish an election day holiday on the first Tuesday after the first Monday in November of each year in which a statewide or national election is held.~~

REVISIONS:
Heading-Line 2.